

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: JOEL DAVID SHIFFLER, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Joel D. Shiffler, M.D. ("Dr. Shiffler") freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, et seq.

FINDINGS OF FACT

1. Dr. Shiffler currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 20094, issued originally in 1999. Dr. Shiffler's address of record is in Parkersburg, West Virginia.

2. On December 12, 2005, the Board received a complaint from Sheila Leggett ("Complainant"), caretaker for William H. Boyce, alleging, among other things, that Dr. Shiffler had engaged in unprofessional conduct by the fact that his patient, Mr. Boyce, waited for an extended time before being examined for treatment. The Complainant also alleged that Dr. Shiffler's office staff requested payment of a past due balance along with a Medicare co-pay. Mr. Boyce was upset about having to make that payment.

3. By correspondence received on January 26, 2006, Dr. Shiffler denied any inappropriate treatment with respect to Mr. Boyce.

4. The Complaint Committee of the Board conducted an investigation of the Leggett matter, and on April 6, 2006, obtained the medical records of Mr. Boyce from Dr. Shiffler.

5. The Complaint Committee's investigation identified several potential violations of the West Virginia Medical Practice Act and the Rules of the Board, including information that Dr. Shiffler had prescribed controlled substances to himself on several occasions between April 29, 2004, and October 24, 2005.

6. On January 3, 2006, the Board received a complaint from Sherri L. Bartimus ("Complainant") alleging, among other things, that Dr. Shiffler had engaged in unprofessional conduct by failing to process paperwork required for the Complainant to receive Prescription Drug Relief assistance through various pharmaceutical companies, and by further failing to produce copies of her medical records in a timely fashion ("Complaint").

7. By correspondence received on January 26, 2006, Dr. Shiffler attempted to explain why his office had not processed the paperwork required for the Complainant to receive Prescription Drug Relief in a timely fashion.

8. The Complaint Committee of the Board conducted an investigation regarding the Bartimus Complaint, and obtained pertinent medical records on March 22, 2006.

9. The medical records indicate that the Complainant was seen by Dr. Shiffler on September 28, 2005, and further include a formal request on behalf of Complainant for Prescription Drug Relief dated October 10, 2005. Although Dr. Shiffler signed some of the paperwork on November 29, 2005, there is no indication that it was ever processed by his office, nor did the patient sign those papers when requested.

10. According to the Complainant, the paperwork required for her to receive Prescription Drug Relief was never processed by Dr. Shiffler's office, and she ultimately had to find another physician to process the paperwork. In addition, she never received copies of her medical records.

11. On May 7, 2006, Dr. Shiffler appeared before the Complaint Committee of the Board for a full discussion regarding the Leggett and Bartimus matters and the results of the Complaint Committee's investigation.

12. On May 8, 2006, the Complaint Committee initiated an additional complaint against Dr. Shiffler, based upon the information that Dr. Shiffler had prescribed controlled substances to himself on several occasions.

13. On May 10, 2006, the Complaint Committee issued additional subpoenas to Camden-Clark Memorial Hospital and St. Joseph's Hospital, in Parkersburg, West Virginia, to obtain Dr. Shiffler's peer review and personnel files.

14. On June 16, 2006, Dr. Shiffler submitted his response to the initiated complaint, wherein he conceded that he had prescribed controlled substances to himself on several occasions. However, he stated that he was no longer taking any controlled substances, and had not engaged in any self-prescription of controlled substances since October 2005. Further, he provided clarification that the controlled substances had also been prescribed by his treating physicians for known legitimate medical problems.

15. The Complaint Committee expanded its investigation to include several interviews of former members of Dr. Shiffler's office staff. The interviews revealed additional instances of conduct on the part of Dr. Shiffler, resulting in concerns by the Complaint Committee regarding Dr. Shiffler's professional demeanor and attitude.

16. On July 9, 2006, the Complaint Committee referred Dr. Shiffler for a complete mental and physical examination by Robert M. Wettstein, M.D. ("Dr. Wettstein"), pursuant to the provisions of W. Va. Code § 30-3-14(f). Dr. Shiffler voluntarily submitted to said examination.

17. On February 1, 2007, Dr. Wettstein produced a report regarding his examination of Dr. Shiffler, wherein he concluded that, Dr. Shiffler is currently able to practice family medicine with reasonable skill and safety to patients from a psychiatric perspective, and he found no major mental disorder or substance abuse disorder which would substantially impair his ability to practice. Dr. Wettstein also conducted telephone interviews of former office employees of Dr. Shiffler and noted that not all observers noted behavioral, or quality of care problems at the office. Dr. Wettstein, however, noted that there are some issues with respect to Dr. Shiffler's personality and professional judgment, which should be addressed. Specifically, Dr. Wettstein indicated that Dr. Shiffler needs continued and regular treatment and monitoring by a psychiatrist to manage his anxiety disorder and personality issues, but not as a condition of his fitness to practice medicine. Finally, Dr. Wettstein concluded that a formal assessment of Dr. Shiffler's diagnostic and treatment skills may be useful.

18. Dr. Shiffler has a history of contact with mental health professionals resulting in sporadic psychiatric treatment and care.

19. The Board has reviewed the matters in question and has determined that the continued practice of medicine by Dr. Shiffler in the State of West Virginia, absent compliance with this Consent Order, could adversely affect the health and welfare of patients.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges against Dr. Shiffler pursuant to W. Va. Code § 30-3-14(c)(17), 11 CSR 1A 12.1 (e), (j), (w) and (x), and 11 CSR 1A 12.2(a)(C) and 12.2 (d), relating to unprofessional conduct, prescribing controlled substances for his own medical condition, and failing to conform to the principles of the American Medical Association, including opinion 8.19 regarding self-treatment.

3. To permit Dr. Shiffler to continue to engage in the practice of medicine without appropriate action by the Board might not result in a professional environment that encourages the delivery of quality medical services within the state as required by W. Va. Code § 30-3-2.

4. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Shiffler and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Shiffler enters into this Consent Order.

CONSENT

Joel D. Shiffler, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Shiffler acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.

2. Dr. Shiffler further acknowledges that he has the following rights, among others: the right to a formal hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Shiffler waives all rights to such a hearing.

4. Dr. Shiffler consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Shiffler understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the Consent of Dr. Shiffler, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective upon the entry of this Order, the license to practice medicine and surgery in the State of West Virginia previously issued to Dr. Shiffler, License No. 20094, is hereby **SUSPENDED** for a period of eighteen (18) months following the entry of this Order, unless earlier dissolved as described in more detail below, and the suspension is **STAYED** immediately, and Dr. Shiffler can continue to

practice medicine without restriction, pending his compliance with the terms and conditions set forth in this Order.

2. Within six (6) months following the entry of this Order, Dr. Shiffler shall attend the Colorado Personalized Education for Physicians ("CPEP"), at his own expense, for a comprehensive assessment of his skills as a physician, and any CPEP assessment report shall be sent directly to the offices of the Board to be provided to the Complaint Committee of the Board for review.

3. Upon receipt of any CPEP assessment report concerning Dr. Shiffler, the Complaint Committee of the Board shall immediately provide a copy of the same to Dr. Shiffler, and shall schedule an appearance by Dr. Shiffler before the Complaint Committee during its next regular meeting to discuss the contents and conclusions of the CPEP assessment report.

4. After meeting with Dr. Shiffler regarding any CPEP assessment report, the Complaint Committee of the Board may, in its sole discretion, recommend appropriate additional conditions, accommodations, limitations or restrictions, which it deems necessary to ensure that Dr. Shiffler remains fully capable of practicing medicine and surgery in the State of West Virginia, with a reasonable degree of skill and safety for his patients.

5. If the Complaint Committee of the Board, after meeting with Dr. Shiffler regarding any CPEP assessment report, recommends any additional conditions, accommodations, limitations or restrictions with respect to the practice of medicine by Dr. Shiffler, then the Complaint Committee of the Board may, upon Dr. Shiffler's agreement to comply with any such recommended conditions, accommodations, limitations or restrictions, recommend that the Board **DISSOLVE** the **SUSPENSION** provided for

herein, subject to the additional terms and conditions set forth in an appropriate Amended Consent Order.

6. If the Complaint Committee of the Board, after meeting with Dr. Shiffler regarding any CPEP assessment report, determines that no further conditions, accommodations, limitations or restrictions with respect to the practice of medicine by Dr. Shiffler are warranted, then the **SUSPENSION** provided for herein will be automatically **DISSOLVED** thirty (30) days following any such meeting.

7. As long as this Order or any Amended Consent Order is in effect, Dr. Shiffler shall also receive continued and regular treatment and monitoring by a Board-approved mental health practitioner who shall report in writing to the Board every sixty (60) days regarding Dr. Shiffler's ability and fitness to practice medicine and surgery in the State of West Virginia, with a reasonable degree of skill and safety for his patients. Such reports shall begin sixty (60) days from the entry of this Consent Order.

8. Within six (6) months following the entry of this Order, if the Complaint Committee of the Board determines, in its sole discretion, that Dr. Shiffler has failed, without good cause, to attend the CPEP assessment described herein, or if he otherwise violates any term or condition of this Order, the Complaint Committee of the Board reserves its right to recommend that the Board immediately **LIFT** the **STAY** of **SUSPENSION** for the remainder of the term thereof, which the Board may do without further hearing or process.


9. At the end of the one (1) year period following the entry of this Order, if the Complaint Committee of the Board determines, in its sole discretion, that Dr. Shiffler has not made a good faith effort to comply with the terms and conditions of this Order, then the Complaint Committee of the Board may recommend that the Board

REVOKE the license to practice medicine and surgery in the State of West Virginia previously issued to Dr. Shiffler, which the Board may do without further hearing or process.

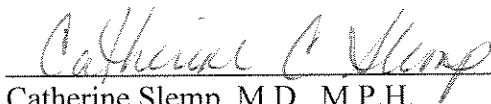
10. Dr. Shiffler is also **PUBLICLY REPRIMANDED** for unprofessional conduct, prescribing controlled substances for his own medical condition, and failing to conform to the principles of the American Medical Association, including opinion 8.19 regarding self-treatment.

The foregoing Order was entered this 22nd day of May, 2007.

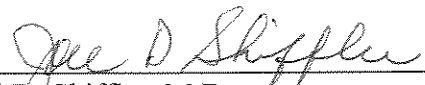
WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



Joel D. Shiffler, M.D.

Date: 5-11-2007

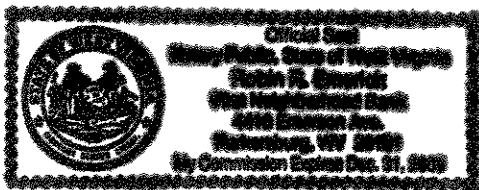
STATE OF WV

COUNTY OF Wood

I, Rabin Emmitt, a Notary Public in and for said county and state, do hereby certify that Joel D. Shiffler, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 11 day of May, 2007.

My commission expires 12/31/09.



Rabin Emmitt
Notary Public